



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE December 5, 2014 LOCAL EFFECTIVE DATE December 19, 2014 APPROX FINAL EFFECTIVE DATE January 9, 2015	CONTACT/PHONE Airlin M. Singewald Project Manager (805) 781-5198 asingewald@slo.slo.ca.us	APPLICANT John Swift	FILE NO. DRC2012-00117
SUBJECT Request by John Swift for a Minor Use Permit/Coastal Development Permit to: a) construct a new 2,340 square-foot single family residence with a 280 square-foot attached garage; b) grading to widen, extend, and pave an existing 1,700 foot long driveway; c) installation of two 8,000 gallon water tanks, associated utilities, and a stormwater detention system; and d) conversion of an existing single family residence to farm support quarters. The proposed project would result in the disturbance of approximately 1.3 acre on a 148-acre parcel in the Agriculture land use category. The proposed project is located at 3698 Clark Valley Road, approximately one mile south of Los Osos Valley Road and two miles southeast of the Los Osos urban reserve line. The site is in the Estero planning area.			
RECOMMENDED ACTION 1. Adopt the Mitigated Negative Declaration (ED12-213) in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Minor Use Permit DRC2012-00117 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 30, 2014 for this project. Mitigation measures are proposed to address Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hazards/Hazardous Materials, Public Services/Utilities, and Water/Hydrology, and are included as conditions of approval.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Local Coastal Program, Sensitive Resource Area, Coastal Appealable Zone, Flood Hazard, Geologic Study Area, and Streams and Riparian Vegetation	ASSESSOR PARCEL NUMBER 067-161-014	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: Irish Hills Scenic Backdrop Critical Viewshed and Los Osos Valley Road Scenic Corridor <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program; Geologic Study Area; Coastal Access; Residential Uses in Agriculture Land Use Category; Non-agricultural Uses in the Agriculture Land Use Category; Building Height and Setbacks <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER o SAN LUIS OBISPO o CALIFORNIA 93408 o (805) 781-5600 o FAX: (805) 781-1242			

EXISTING USES: Single family residence (ranch house)	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture/ agricultural uses <i>South:</i> Agriculture/ agricultural uses <i>East:</i> Rural Lands/ agricultural uses, rural residences <i>West:</i> Agriculture/ agricultural uses, rural residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Council, Public Works, Building Division, Cal Fire, Regional Water Quality Control Board, California Department of Transportation, and the California Coastal Commission	
TOPOGRAPHY: Nearly level to steeply sloping	VEGETATION: Grasslands, oaks, chaparral, riparian, irrigated crops
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: On-site septic Fire Protection: Cal Fire	ACCEPTANCE DATE: August 25, 2014
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.	

PROJECT SITE

The proposed project is located in the Irish Hills on a 148-acre parcel at the end of Clark Valley Road, approximately one mile south of Los Osos Valley Road and two miles southeast of the Los Osos urban reserve line. The southern and western portions of the property are nearly level to gently sloping and contain field crops, orchards, and rangeland. The northern portion of the site has moderate to steep slopes and is undeveloped, with a mix of chaparral, grassland and scattered oak woodlands. Los Osos creek, which is dominated by central sycamore and cottonwood riparian forest, runs along the southwest portion of the property. An existing single family residence is located west of the project site. A 1,200 square-foot packing shed and two other agricultural accessory structures of 280 and 285 square-feet are located on the southern bank of Los Osos creek adjacent to the agricultural fields.

PROPOSED PROJECT

The proposed project is a request to construct a 2,340 square-foot single family residence with a 280 square-foot attached garage. The proposed residence would be located within a topographic "bowl or "saddle" near the ridge at the northern portion of the parcel. It would be accessed by an approximately 1,700-foot long driveway beginning at the end of Clark Valley Road. To meet Cal Fire standards, the project proposes to widen an existing 8-foot wide dirt road to 10 feet, pave it with asphalt concrete, and install two pullouts and a fire truck turn-around. Retaining walls (2 to 16 feet in height) will be constructed along the road to minimize encroachment into the hillside. This design is in accordance with the recommendations of the project's geotechnical engineering report. The project would also install two 8,000 gallon tanks,

associated utilities for the proposed residence, and a stormwater detention system at the base of the driveway. Construction of the proposed residence, road grading, and installation of utilities would result in approximately 1.3 acre of site disturbance, including 2,300 cubic yards of cut and fill.

The existing 480 square-foot farmhouse located on the northwest edge of the parcel would be converted into a farm support dwelling. With 20 acres of irrigated crops and orchards, the subject parcel qualifies for one farm support unit pursuant to Coastal Zone Land Use Ordinance (CZLUO) Section 23.08.167 (Residential Uses in the Agriculture Category).

No development is proposed within 100 feet of a blue line stream.

ENVIRONMENTAL DETERMINATION

The proposed project received a Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act. A couple of the key environmental issues associated with the project include visual and biological impacts. These issues are discussed below:

Visual Impacts

While a narrow sliver of the northern edge of the property is within the Irish Hills Scenic Backdrop Critical Viewshed and Los Osos Valley Road Scenic Corridor, the project site is located outside of this designation.

The proposed residence would be sited within a topographic “bowl” or “saddle” near the ridge of the Irish Hills, about one mile south of Los Oso Valley Road. According to the applicant’s visual analysis (San Luis Sustainability Group; September 3, 2013), the proposed 31’-6” tall single family residence would not be visible from Los Osos Valley Road, as it would be located within the view shadow created by the downslope foothills. This was verified by the installation of marker poles.

The upper portion of the proposed residence would come into view intermittently on the unpaved (not County maintained) portion of Clark Valley Road within a mile of the subject property. This view is shared by the applicant and one other property owner at this point in Clark Valley.

To help the building recede into the existing landscape, the applicant proposes to use an earth tone stucco finish and non-reflective forest green color metal roof.

Biological Resources

The proposed access road improvements would remove five coast live oak trees and would impact the root-zone of another 12. The project is conditioned to replace the removed oaks at a 4:1 ratio and the impacted trees at a 2:1 ratio. This would result in the planting of 44 new oak trees.

Tree removal and pruning could impact nesting birds and/or disturb the nests of the Monterey big-eared woodrat. To address this potential impact, the applicant will be required retain a qualified biologist to conduct pre-construction surveys for nesting birds, the Monterey big-eared woodrat, and other wildlife species. Appropriate measures (as described in the biological assessment) will be implemented to protect these resources if discovered.

LAND USE ORDINANCE STANDARDS

Section 23.01.043(c)(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the subject parcel is located between the ocean and the first public road paralleling the shoreline.

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.07.080 – Geologic Study Area Combining Designation

The project is within the Geologic Study Area combining designation and is subject to the preparation of a geologic hazards report per Coastal Zone Land Use Ordinance (CZLUO) Section 23.07.084(c) to evaluate the area's geological suitability for proposed development.

In accordance with this requirement, the applicant submitted the following geology reports:

- Geotechnical Engineering, Geologic Hazards, and Percolation Test Report, 3698 Clark Valley Road – Proposed Residence, Los Osos, California (Earth Systems Pacific; January 28, 2013).
- Addendum No. 1 to Geotechnical Engineering, Geologic Hazards, and Percolation Test Report, 3698 Clark Valley Road – Proposed Residence, Los Osos, California (Earth Systems Pacific; July 10, 2014).

These reports conclude that the site is geologically suitable for the proposed residence. In a letter dated August 7, 2014, Brian Papurello, County Geologist, indicated that these reports accurately model the site's geologic conditions and that he concurs with their findings and conclusions.

Section 23.04.050 – Non-agricultural Uses in the Agriculture Land Use Category

This section states that a single family dwelling and any accessory buildings supporting the agricultural use shall, where feasible, be located on other than prime soils and shall incorporate mitigation measures necessary to reduce negative impacts on adjacent agricultural uses.

The proposed project complies with this standard because the proposed residence and associated site improvements would be located on other than prime soils. The proposed development would be located on Lodo clay loam (15 – 30%), which is considered a Class VI (non-prime) soil.

In a referral response, dated July 12, 2013, Lynda Auchinachie from the Department of Agriculture indicates "The proposed residence and access would be located on soils that are not identified as Important Agricultural Soils in the Conservation and Open Space Element and therefore associated impacts are not considered significant."

The standards in Section 23.04.050(b) (Supplemental Non-agricultural Uses) do not apply to the construction of a single family residence.

Section 23.08.167 – Residential Uses in the Agriculture Land Use Category

This section allows one single family dwelling and eligible farm support quarters on existing legal parcels in the Agriculture land use category. Farm support quarters are only allowed when they are in direct support of existing agricultural production activities on lands owned or leased by the farm housing owner. The allowed number (density) of farm support units allowed on agricultural parcels varies based on the agricultural use of the property.

Based on its agricultural use (approximately 20 acres of irrigated crops and orchards), the property would be allowed one farm support unit in addition to the proposed single family residence. The subject property currently contains a 480 square foot ranch house. Since the proposed project would establish a second residence on the subject property, this existing residence would have to be designated as farm support housing. Before issuance of a construction permit, the applicant would be required to execute and record an agreement in a form acceptable to County Counsel limiting occupancy of this existing residence to farm workers.

Section 23.04.120 – Heights

The maximum height for new structures in the Agriculture land use category is 35'. At a height of 31'-6", the proposed residence meets this requirement.

Section 23.04.100 – Setbacks

The minimum setbacks for new structures on parcels in the Agriculture land use category (when over an acre) are as follows: 25 feet in the front and 30 feet on the sides and rear. The nearest parcel boundary to the proposed residence is located about 200 feet to the northeast. Therefore, the proposed project complies with the minimum setback requirements.

COASTAL PLAN POLICIES

This project is in compliance with applicable Coastal Plan Policies. The most relevant policies are discussed below:

Agriculture

Policy 4: Siting of Structures. This policy states that a single family residence and agricultural accessory structures, where possible, shall be located on other than prime agricultural soils and shall incorporate whatever mitigation measures are necessary to reduce negative impacts on adjacent agricultural uses. *The proposed project complies with this policy because the proposed residence and associated site improvements would be located on other than prime soils. The proposed development would be located on Lodo clay loam (15 – 30%), which is considered a Class VI (non-prime) soil.*

Visual and Scenic Resources

Policy 2: Site Selection for New Development. This policy states that permitted development shall be sited so as to protect views to and along the ocean and scenic coastal areas. Where ever possible, site selection for new development is to emphasize locations not visible from major public views corridors. *The project is consistent with this policy because, according to the applicant's visual analysis (San Luis Sustainability Group; September 3, 2013), the proposed 31'-6" tall single family residence would not be visible from Los Osos Valley Road, as it would be located within the view shadow created by the downslope foothills. This was verified by the installation of marker poles. The upper portion of the proposed residence would come into view intermittently on the unpaved (not County maintained) portion of Clark Valley Road within a mile of the subject property. This view is shared by the applicant and one other property owner at this point in Clark Valley. To help the building recede into the existing landscape, the applicant proposes to use an earth tone stucco finish and non-reflective forest green color metal roof.*

Policy 4: New Development in Rural Areas. This policy states that new development shall be

sited to minimize its visibility from public view corridors. Structures shall be designed (height, bulk, style) to be subordinate to, and blend with, the rural character of the area. New development which cannot be sited outside of public view corridors is to be screened utilizing native vegetation. *The project is consistent with this policy because it would not be visible from major public viewing corridors and the proposed residence would use colors and materials to recede into the existing landscape.*

Public Works

Policy 1: *Availability of Service Capacity.* This policy states that new development shall demonstrate that adequate public or private service capacities are available to serve the proposed development. *The project is consistent with this policy because the project would be served by an existing on-site well and septic system.*

Coastal Watersheds

Policy 7: *Siting of new development.* This policy states that grading for building sites shall be limited to slopes of less than 20 percent, unless no feasible alternative buildings sites exist. *The project complies with this policy because the proposed development will be located on an existing lot of record in the Agriculture land use category on slopes less than 20 percent.*

Policy 8: *Timing of new construction.* This policy states that land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. *The project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season. The project will also be required to prepare a Stormwater Pollution Prevention Plan for review and approval by the Regional Water Quality Control Board since it would involve over one acre of site disturbance.*

Policy 10: *Drainage Provisions.* This policy states that site design shall ensure that drainage does not increase erosion. *The project is consistent with this policy because the grading plan (BKF Engineers; July 1, 2014) shows how drainage would be handled on-site. The project will be required to submit final drainage calculations for review and approval by Public Works prior to issuance of a construction permit.*

Hazards

Policy 1: *New Development.* This policy states that all new development proposed within areas subject to natural hazards from geologic or flood conditions (including beach erosion) shall be located and designed to minimize risks to human life and property. Along the shoreline new development shall be designed so that shoreline protective devices (such as seawalls, cliff retaining walls, revetments, breakwaters) that would substantially alter landforms or natural shoreline processes, will not be needed for the life of the structure. *The proposed project is consistent with this policy because the applicant submitted a Geotechnical Engineering, Geologic Hazards, and Percolation Test Report, 3698 Clark Valley Road – Proposed Residence, Los Osos, California (Earth Systems Pacific; January 28, 2013) and Addendum No. 1 (Earth Systems Pacific; July 10, 2014), which conclude that the site is geologically suitable for the proposed development. The project is conditioned to comply with the findings and recommendations of these reports.*

Policy 2: *Erosion and Geologic Stability.* This policy states that new development shall ensure structural stability while not creating or contributing to erosion or geologic instability. *The proposed project is consistent with this policy because the applicant submitted a Geotechnical Engineering, Geologic Hazards, and Percolation Test Report, 3698*

Clark Valley Road – Proposed Residence, Los Osos, California (Earth Systems Pacific; January 28, 2013) and Addendum No. 1 (Earth Systems Pacific; July 10, 2014), which conclude that the site is geologically suitable for the proposed development. The project is conditioned to comply with the findings and recommendations of these reports.

Archaeology

Policy 4: *Preliminary Site Survey for Development within Archaeologically Sensitive Areas.* This policy states that development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to completion of the project environmental review. *The project is consistent with this policy because the applicant supplied a phase 1 archaeological survey (Gibson; June 25, 2012), which did not observe archaeological resources on the project site. The project will be required to prepare and implement an archaeological monitoring plan to minimize impacts to cultural resources during ground-disturbing activities.*

Coastal Access

Policy 2: *New Development.* The policy states that maximum public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development. *The project complies with this policy because the subject parcel is located over five miles east of the shoreline and would not inhibit access to the coast.*

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

COMMUNITY ADVISORY GROUP COMMENTS

The Los Osos Community Advisory Council (LOCAC) reviewed the project and recommended approval on July 26, 2013.

AGENCY REVIEW

Public Works	Drainage plan required with building permit (Tim Tomlinson; June 28, 2013)
Building Division	Project subject to various requirements during building permit review (Elizabeth Szwabowski; July 1, 2014)
Cal Fire	See attached fire safety plan (Tina Rose; July 15, 2014)
Agricultural Commissioner	Less than significant impacts on agricultural resources (Lynda Auchinachie; July 12, 2013)
California Coastal Commission	No response

LEGAL LOT STATUS

The single lot was created by a subdivision (Parcel Map COAL 81-221) at a time when that was a legal method for creating a lot.

Staff report prepared by Airlin M. Singewald and reviewed by Bill Robeson.